



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/603,040	10/21/2009	Ryuichi NAKADA	RYM-723-2665	5794

27562 7590 12/07/2016
NIXON & VANDERHYE, P.C.
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER

PHAM, LINH K

ART UNIT	PAPER NUMBER
----------	--------------

2174

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

12/07/2016

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOMAIL@nixonvan.com
pair_nixon@firsttofile.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte RYUICHI NAKADA, MASAYUKI OKADA, TAKESHI ANDO,
TOMOMI FUJISAWA, and SACHIKO SHIMA

Appeal 2016-001656
Application 12/603,040
Technology Center 2100

Before CAROLYN D. THOMAS, JEFFREY S. SMITH, and
TERRENCE W. McMILLIN, *Administrative Patent Judges*.

THOMAS, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants seek our review under 35 U.S.C. § 134(a) of the Examiner twice rejecting claims 1–19, all the claims pending in the application. We have jurisdiction over the appeal under 35 U.S.C. § 6(b).

We AFFIRM.

The present invention relates generally to “a display controlling program and a display controlling apparatus,” and more particularly to “a display controlling program and a display controlling apparatus capable of displaying images divided into a plurality of groups” (*see Spec. “Background,”* ll. 10–13).

Claim 1 is illustrative:

1. A non-transitory computer-readable storage medium storing a display controlling program, wherein said display controlling program causes a computer of a display controlling apparatus to display images divided into a plurality of groups on a screen to provide execution comprising:

a first displaying which displays, in each region corresponding to each group in a storing region to store said images within said screen, the images belonging to respective groups,

a selection which selects any one of said plurality of groups, and

moving and displaying the image belonging to the group selected by said selection into an operating region to allow a user to operate said images within said screen upon said selection of the selected group, and moving and displaying an image, belonging to a group not selected by said selection, from the operating region to the storing region upon said selection of the selected group.

Appellants appeal the following rejections:

R1. Claims 1–4, 6, 7, 12, 14–16, 18, and 19 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Wen et al. (US 2008/0298766 A1, Dec. 4, 2008).

R2. Claims 5, 10, 11, 13, and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wen and Richards et al. (US 2002/0145626 A1, Oct. 10, 2002).

R3. Claims 8 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wen and Anderson et al. (US 6,680,749 B1, Jan. 20, 2004).

Claim Groupings

Based on Appellants' arguments in the Appeal Brief, we will decide the appeal on the basis of claim 1, as set forth below. *See* 37 C.F.R. § 41.37(c)(1)(iv).

ANALYSIS

Rejection under § 102 over Wen

Issue 1: Did the Examiner err in finding that Wen describes “*moving and displaying the image belonging to the group selected by said selection into an operating region* to allow a user to operate said images within said screen upon said selection of the selected group, *and moving and displaying an image, belonging to a group not selected by said selection, from the operating region to the storing region upon said selection of the selected group,*” as recited in claim 1 (emphases added)?

Appellants contend Wen’s “user interface (UI) enabling a user to select a group (e.g., 1012) in a group view area 1010 so that thumbnails of individual images of the selected group are displayed in thumbnail area 1020” does not describe “moving the images” (App. Br. 11).

We agree with the Examiner’s finding that Wen’s user selected group 1012 from the group view area causing “all thumbnail photos of the selected group 1012 are displayed in the thumbnail area 1020” clearly describes the claimed moving and displaying images (Ans. 3–4).

For example, as cited by the Examiner, Wen discloses:

[0044] As shown in FIG. 2, *group view area 210 presents the thumbnails of face groups (e.g. face group 212) to the user, giving a preview of the faces contained in each face group and allows the user to label the corresponding face groups directly...*

[0045] *The face groups may be selectively displayed in group view area 210 based on...*

[0046] *Thumbnail area 220 dynamically shows the faces of the currently selected face group 212, allowing users to observe the faces in a face group without double clicking and diving into the face group...*

[0079] *As the user makes a selection of one or any combination of the five dimensions (selectors), photos satisfying the selection criteria are displayed in group view area 1010. As the user selects a group (e.g., 1012) in the group view area 1010, thumbnails of individual photos of the selected group are displayed in thumbnail area 1020.*

(Wen ¶¶ 44–46 and 79, emphases added). In other words, Wen describes a group view area that acts as a storage area for face groups, separate from a thumbnail area that shows the face images of the selected face group when a face group is selected.

Appellants do not provide a limiting definition of “moving” an image that requires that the moved image exists only in the space to which it was moved and not in its original space. In other words, Appellants do not provide a limiting definition of “moving” an image that excludes copying or otherwise displaying the image in another space. As such, Appellants do not provide persuasive evidence or argument that Wen’s selecting a group of images in the group view area which causes copies of the thumbnails of the selected group of images to appear in the thumbnail area does not describe the claimed moving images. Thus, we agree with the Examiner’s finding that Wen describes “*moving and displaying the image belonging to the group selected by said selection into an operating region to allow a user to operate said images within said screen upon said selection of the selected group,*” as recited in claim 1.

Appellants further argue that Wen does not describe “one image moving from the storing region to the operation region upon selection of a group, and another image moving *vice versa* (or in the opposite manner) from the operation region to the storing region upon selection of the group” (App. Br. 11; *see* Rep. Br. 5–6).

We agree with the Examiner’s finding that “when the user selects group 1012 from the group view area 1010 (i.e., storage region), all thumbnail photos of the selected group 1012 are retrieved, moved to the operating area 1020, and displayed in the operating area 1020 (i.e., first direction of movement) and “when the user selects another group (i.e., group 1020 is no longer selected), thumbnail photos of the non-selected group 1012 will be disappeared from the operating area 1020 (i.e., second direction of movement as the thumbnail photos of the non-selected group 1012 are restored back to the group view area 1010)” (Ans. 4–5).

For example, Wen discloses that “Thumbnail area 220 dynamically shows the faces *of the currently selected face group 212*, allowing users to observe the faces in a face group” (Wen ¶ 46, emphasis added), and when “the user selects a group (e.g., 1012) in the group view area 1010, *thumbnails of individual photos of the selected group are displayed in thumbnail area 1020*” (Wen ¶ 79, emphasis added). In other words, although Appellants argue “there is no disclosure of the any images moving from the thumbnail area 1020 to the group view area 1010” (Rep. Br. 6–7), Wen describes displaying thumbnails in the thumbnail area for image groups that are *currently* selected in the group view area. As such, Appellants do not provide persuasive evidence or argument that Wen’s moving of images does not describe the claimed moving images.

For at least these reasons, we are unpersuaded the Examiner erred. Accordingly, the Examiner's § 102 rejection of independent claim 1, as well as commensurate independent claims 12, 14, and 15, and dependent claims 2–4, 6, 7, 16, 18, and 19, not separately argued, is sustained.

Rejection under § 103 over Wen and Richards

Issue 2: Did the Examiner err in finding that the combination of Wen and Richards teaches or suggests “a plurality of selection tubs each corresponding to said plurality of groups,” as recited in claim 5?

Appellants contend that while “Wen discloses a user interface (UI) by which a user may select a group, there is no disclosure of selection tubs each corresponding to said plurality of groups” because Wen's folders are not selection tubs “let alone a selection tub corresponding to a group in a region different from the operating region within the first screen” (App. Br. 13–14).

We agree with the Examiner's finding that Wen's “photos satisfying said selection criteria including the plurality of groups 1012 (i.e., selection tubs) are displayed in the group view area 1010,” wherein the groups describe the claimed selection tubs (Ans. 8).

For example, as cited by the Examiner, Wen discloses:

[0044] As shown in FIG. 2, *group view area 210 presents the thumbnails of face groups (e.g. face group 212) to the user, giving a preview of the faces contained in each face group and allows the user to label the corresponding face groups directly. The thumbnail of a face group is an image representation of the face group. It can be any format but preferably bears an image indicative of the photos contained in the corresponding face group to give a preview of the faces contained in the represented face group.*

(Wen ¶ 44, emphases added). In other words, Wen describes thumbnails of face groups representing face groups in the group view area. Wen also describes selecting face groups by selecting the face group thumbnails in the group view area and consequently the thumbnails of the images in the selected group being moved to and displayed in the thumbnail area (*see* Wen ¶¶ 46 and 79). Appellants do not provide persuasive evidence or argument that Wen’s group view area displaying the thumbnails does not teach or suggest the claimed display separate from the operating display with selection tubs that represent groups. Thus, we agree with the Examiner’s finding that Wen teaches or suggests “a tub displaying which displays a plurality of selection tubs each corresponding to said plurality of groups in a region different from said operating region within said first screen,” as recited in claim 5.

Issue 3: Did the Examiner err in finding that the combination of Wen and Richards teaches or suggests “said screen includes *a first screen on which a coordinate position is designated* according to an operation by a pointing device and *a second screen on which a coordinate position is not designated* according to an operation by the pointing device,” as recited in claim 13 (emphases added)?

Appellants contend that claim 13 “requires two screens that have different properties: a one screen is utilized to designate a coordinate position, whereas the other screen cannot be utilized to designate a coordinate position” and that these properties are not taught in Wen because “there is no disclosure of the two different screens required by claim 13” in Wen (App. Br. 13).

Appellants' argument against Wen separately from Richards does not persuasively rebut the combination made by the Examiner. One cannot show non-obviousness by attacking references individually, where the rejections are based on combinations of references. *In re Merck & Co., Inc.*, 800 F.2d 1091, 1097 (Fed. Cir. 1986); *In re Keller*, 642 F.2d 413, 425 (CCPA 1981).

Specifically, we agree with the Examiner's finding that Wen describes windows 1010 and 1020 that are adjacent to each other, wherein an "operating region is placed within said first screen, and said storing region is place within said second screen," and Richards teaches providing coordinate positions for a display (Final Act. 15; Ans. 7).

For example, Richards discloses "the user can 'drag and drop' sphere 31 from the position they originally placed it in... moving it to a position that reflects a better overall position... Changes to these positions are noted in both the data files of the user and the contact(s) affected, and held as an additional, modifications data file" (Richards ¶ 46). In other words, Richards describes position data or coordinate positions in a display. Wen describes selecting face groups in the group view area and the thumbnails of the images in the selected group being moved to and displayed in the thumbnail area (*see* Wen ¶¶ 46 and 79).

Appellants do not provide persuasive evidence or argument that the combined teachings of Wen's group view area and thumbnail area and Richard's position data in a display does not teach or suggest coordinate positions in displays. Thus, we agree with the Examiner's finding that the combination of Wen and Richards teaches "said screen includes *a first screen on which a coordinate position is designated* according to an

operation by a pointing device and *a second screen on which a coordinate position is not designated* according to an operation by the pointing device,” as recited in claim 13.

For at least these reasons, we are unpersuaded the Examiner erred. Accordingly, the Examiner’s § 103 rejection of dependent claims 5 and 13, as well as dependent claims 10, 11, and 17, not separately argued, is sustained.

Rejection under § 103 over Wen and Anderson

Appellants have provided no separate arguments towards patentability for claims 8 and 9. Therefore, the Examiner’s § 103 rejection of claims 8 and 9 is sustained for similar reasons as noted *supra*.

DECISION

We affirm the Examiner’s § 102 rejection R1 of claims 1–4, 6, 7, 12, 14–16, 18, and 19.

We affirm the Examiner’s § 103 rejections R2 and R3 of claims 5, 8–11, 13, and 17.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED